IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

WRIT PETITION NO.588 of 2005

Between:

P. Narayan Rao S/o Narsoji Rao @ Nagoji Rao
r/o 1-4-27/72/8, P.S. Colony, Kavadiguda , Hyderabad

..... PETITIONER

AND

1 The Commissioner of Police, Hyderabad
2 The Deputy Commissioner of Police, Central Zone, Hyderabad
3 The Station House Officer, Musheerabad Police Station, Musheerabad,

Hyderabad

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly in the nature of Writ of Mandamus or any other appropriate Writ, declaring the inaction of the respondents in protecting the life and property of the petitioner which is guaranteed under Constitution of India as illegal, arbitrary and violative of principles of natural justice, and in violation of Art. 14 and 21 of the Constitution of India, and consequently direct the respondents to give protection to the petitioner to complete his house construction in peaceful circumstances and without any illegal obstruction from unsocial elements.

Counsel for the Petitioner: MR.A.V.SWAMY

Counsel for the Respondents: GP FOR HOME

The Court made the following:

ORDER:

The petitioner states that he is the owner of the property covered by the sale deed dated 06.03.2003. His allegation is that certain anti-social elements are trying to interfere with his proposed construction over the plot and though he approached the respondents to accord protection, no action has been taken thereon.

Heard the learned counsel for petitioner and learned Government Pleader for Home.

If the petitioner is facing any threat of dispossession from any individuals, the only course open to him is to approach the Civil Court and seek necessary orders. On the other hand, if the interference is purely in the form of activity of miscreants, he can seek the help of the local police. As of now, there is no clarity as to the nature of interference complained by the petitioner. Hence, the writ petition is disposed of leaving it open to the petitioner to approach the Civil Court to seek appropriate relief in case the interference by any individual is, as of right. Further, if any individual commits the acts of criminal nature over the site, it shall be open to the petitioner to make a specific complaint to the respondents furnishing the nature of activities and particulars thereof. In such an event, the respondents shall take necessary action in accordance with law. There shall be no order as to costs.

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L. NARASIMHA REDDY, J.

Date: 02.02.2005

Nsr

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Commissioner of Police, Hyderabad
2 The Deputy Commissioner of Police, Central Zone, Hyderabad
3 The Station House Officer, Musheerabad Police Station, Musheerabad,

Hyderabad

4 Two CCs to GP for Home, High Court of AP, Hyderabad (OUT)

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